IN RE: PETITION FOR ADMIN. VARIANCE SW/S Ellenham Road, North of Ruxton Road 7820 Ellenham Road 9th Election District 4th Councilmanic District

Stephen D. Lincoln, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 99-292-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Stephen D. Lincoln and Debbie W. Lincoln, his wife, property owners, for that property known as 7820 Ellenham Road in the Towson section of Baltimore County. The Petitioners seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR), to allow an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the BCZR, and for the reasons given above, the requested variance should be granted.

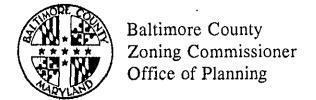
THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County, this ______ day of March 1999, that the Petition for an Administrative Variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR), to allow an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:mmn





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

March 4, 1999

Mr. and Mrs. Stephen D. Lincoln 7820 Ellenham Road Towson, Maryland 21204

RE: Petition for an Administrative Variance

Case No. 99-292-A

Location: 7820 Ellenham Road

Dear Mr. and Mrs. Lincoln:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn Encl.

Copy:

Bob Jackson Landscapes, Inc. 11436 Cronridge Drive, Suite H Owings Mills, Maryland 21117



REV 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

7820 ELLENHAM ROAD
for the property located at TOWSON, MD 21204
which is presently zoned DB 1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Structure (Smimming pad) to be located in the Side yand in t

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name Name - Type or Print Signature ĎEŠBIE LINCOLN Address Telephone No. Zip Code State Signature 339-7626 Attorney For Petitioner: 7820 ELLENHAM 410 Address Telephone No. Name - Type or Print Representative to be Contacted: Signature BOB Name JACKSON LANDSCAPES. Company 11436 CRONRIDGE DR., SUITE H Address Address Telephone No. Telephone No. OWINGS MILLS 21117(0)410356-1620 City State Zip Code A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning ions of saturnole county and that the property be reposted. Noidry Printe vicusti monthes Zoning Commissioner of Baltimore County 脚沿水板青杏汽车 **建于三种特许是** 特别或都得的

Estimated Postina Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	7820 ELLENHA	M ROAD	
, , , , , , , , , , , , , , , , , , , ,	Address		······································
	TOWSON	~ MD	21204

ity State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The Baltimore County Zoning Regulations cannot be met for a swimming pool in the backyard of this property for the following reasons:

- 1) A steep hillside(1:1 slope) in close proximity to backyard of residence prevents the installation of a swimming pool.
- 2) The severe natural topography impacts the usefulness of the property for siting a swimming pool as compared to surrounding properties terrain.
- 3) The severe slope will cause undue hardship necessitating extensive engineering for retaining walls, drainage systems soil stabilization, and a reinforced pool shell.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Signature STEPHEN D. LINCOLN DEBBIE W. LINCOLN Name - Type or Print Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: of Maryland, in and for the County aforesaid, personally appeared 999 before me, a Notary Public of the State INCOIN the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal Notary Public **Baltimore** County mmission Expires My Commission Expires Aug. 28, 2001 REV 09|15|98

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside
--

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The Baltimore County Zoning Regulations cannot be met for a swimming pool in the backyard of this property for the following reasons:

- 1) A steep hillside(1:1 slope) in close proximity to backyard of residence prevents the installation of a swimming pool.
- 2) The severe natural topography impacts the usefulness of the property for siting a swimming pool as compared to surrounding properties terrain.
- 3) The severe slope will cause undue hardship necessitating extensive engineering for retaining walls, drainage systems soil stabilization, and a reinforced pool shell.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting ar advertising fee and may be required to provide additional information.	ıd
Signature Signature X Debbuse Signature	_
STEPHEN D. LINCOLN Name - Type or Print DEBBIE W. LINCOLN Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
HEREBY CERTIFY, this 1st day of February, 1999, before me, a Notary Public of the Sta of Maryland, in and for the County aforesaid, personally appeared Staghen D. Lincoln and Debbie W. Lincoln	te
the Afflant(s) herein, personally known or satisfactorily identified to me as such Afflant(s), and made oath in due form law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.	of
AS WITNESS my hand and Notarial Seal	
2/1/99 Ister / Kuplo/F	**
Notary Public PETER D. KEYSER, JR My Commission Expires Motory Public	7
R20 09/15/98 Salitimore Sounty Maryland My Commission Expires Aug. 28, 200	
S SOUCHE S	×



of this petition form.

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REU 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

7820 ELLENHAM ROAD for the property located at TOWSON, MD 21204

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Name Signature DÆBBIE LINCOLN W Address Telephone No. Name me or Print Signature City State Zip Code ELLENHAM RD 339-7626 Attornev For Petitioner: 7820 Address Telephone No. TOWSON City State Zip Code Name - Type or Print Representative to be Contacted: Signature JACKSON LANDSCAPES. INC BOB Name Company 11436 CRONRIDGE DR., SUITE H Telephone No. Address Telephone No. Address OWINGS MILLS 21117(0)410356-1620 Zip Code City State State MARTIN A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of regulations of Baltimore County and that the property be reposted. THE OWNER. : 역 위: **0위** Zoning Commissioner of Baltimore County ្សា ទ.្ធា ភ្លាះព្រះ

Estimated Posting Date

ZONING DESCRIPTION

Zoning description for: 7820 Ellenham Road Towson, MD 21204

As recorded in Deed Liber 6650, Folio 760: Beginning at a concrete monument set at N.25 50' 0" W.39.2' from point S.81 20' 40" E.341.0 ft., N.11 41' 20" E.4.0 ft., N.5 26' 20" W.50.0 ft., N.2 41' 20" W.50.0 ft., N.13 41' 20" W.50.0 ft., N.17 11' 20" W.50.0 ft., N.21 41' 20" W.70.0 ft., N.30 41' 20" W.50.0 ft., N.34 26' 20" W.50.0 ft., N.38 26' 20" W.50.0 ft., N.44 26' 20" W.27.02 ft., S.72 15' 40" W.254.98 ft., N.72 15' 40" E.2.03 ft., S.38 14' 10" W.137.55 ft., S.55 30' 30" E.17.71 ft., S.49 30' 30" E.50.0 ft., S.43 30' 30" E.50.0 ft., S.37 30' 30" E.50.0 ft., S.34 30' 30" E.63.4 ft. to the place of beginning.

292

CERTIFICATE POSTING

RE: Case No.: 99-292-A Petitioner/Developer: CLARK JETAL Date of Hearing/Closing: 3/1/99

Journ Commerce by

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #7820 ELLENHAM RD.

The sign(s) were posted on _

T820 ELLENAAM RD

Sincerely. (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE (Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666:5366; CELL: 410.905-8571 (Telephone Number)

<u> </u>	The same that th	· · · · · · · · · · · · · · · · · · ·	i i install
	BALTIMORE COUNTY, MAF OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT AND 192 160 16235	PROCESS ACTUAL TIME 2/02/1999 2/02/1999 2/02/1999 09:32:56	1
-	DATE 2-2-99 ACCOUNT R-601-6150	RIG USOS CACHTER LSM LXS DRAWER 5 5 MISCELLANDUS CASA RECEIPT RACOLACT D 093905	•
ļ	AMOUNT \$ 50, 80	CA NO. 062353 50.00 CHECK Raltimore County, Maryland	
-	FROM: Martine Lincoln	The control of the co	-d
- -	FOR: Residential Variance filing fee of 7820 Ellenham Rd (21204)		,
	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION	, , , , , , , , , , , , , , , , , , ,

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BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 292-A -A Address 7820-Line Rd. (2120				
Contact Person: John Sullovan Phone Number: 410-887-339 Planner, Please Print Your Name				
Filing Date: $2-2-99$ Posting Date: $2-14-99$ Closing Date: $3-1-99$				
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.				
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. An reposting must be done only by one of the sign posters on the approved list and the petitione is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.				
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.				
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted denied, or will go to public hearing. The order will be mailed to you by First Class mail.				
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.				
(Detach Along Dotted Line)				
Petitioner: This Part of the Form is for the Sign Poster Only				
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT				
Case Number 99- 292 -A Address 7820 Ellenhan Rd				
Petitioner's Name 5. D. Lincoln Telephone 410 339-76 26				
Posting Date: <u>2-14-99</u> Closing Date: <u>3-1-99</u>				
Nording for Sign: To Permit an accessory structure (Swimming poel) to				
be located in the side yard in her of the neguired rear				
yard				
<i></i>				



Baltimore County Department of Permits and Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

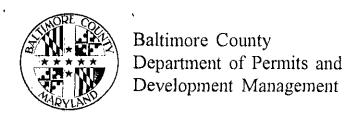
Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ĀF	NOLD JABLON, D	IRECTOR
For newspaper advertising:		## !! # # # ## ## ## ## ## ## ## ##
Item No.: 292		
Petitioner: STEPHEN & DEBBIE LINCOLN		
Location: 7820 ELLENHAM ROAD TOWSON, N	D 21204	
PLEASE FORWARD ADVERTISING BILL TO:		•
NAME: STEPHEN & DEBBIE LINCOLN		
ADDRESS: 7820 ELLENHAM ROAD		
TOWSON, MD 21204		
PHONE NUMBER: 410 339-7626		•

AJ:ggs

(Revised 09/24/96)



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

March 1, 1999

Mr. Lloyd Martin Bob Jackson Landscapes, Inc. 11436 Cronridge Drive, Suite H Owings Mills, MD 21117

RE: Case No.: 99-292-A

Petitioner: Stephen D. Lincoln, et ux

Location: 7820 Elleham Road

Dear Mr. Martin:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on February 14, 1999.

The Zoning (ZAC), Advisory Committee which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

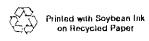
W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:qqs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development Management

DATE: 2/25/99

FROM:

R. Bruce Seeley, Project Manager RA1/10

Development Coordination

DEPRM

SUBJECT:

Zoning Advisory Committee

Distribution Meeting Date: 2/15/99

The Department of Environmental Protection and Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

290

300 30 i

302

303

294

295

296



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

Arnold Jablon, Director
Teal : Administration and Development Management
Baltimore County Office Building
Tiwoon, MD 21204
MAIL ETOF-1105

RF: Property Owner: CBE DELOW

Lacation: DISTRIBUTION MEETING OF FEBRUARY 15, 1999

Item No.: SEE BELOW Zoning Agenda:

.odlamen:

indicident to your request, the referenced property has been curveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time in reference to the following item numbers:

391, (392), 293, 294, 295, 296, 297, 299, 300, AND 303

REVIEWER: LT. POPERT P. SAUERWALD

Fire Marshal Office, PHONE 307-4881, MC-1102F

do: Fila

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: February 23, 1999

Department of Permits & Development

Management

FROM: Robert W. Bowling, Supervisor
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for February 22, 1999

Items Nos. 291, 292, 293, 294, 295, 296,

300, 301, 303 and Case No. 99-280-X

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comment.

RWB:HJO:cab

cc: File

ZONE0222.NOC

A.V.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Date: February 16, 1999

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):

Jeffy W. Long

Item No (s): 292, 295, 296, and 299

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date:

2.16.99

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 292

215

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

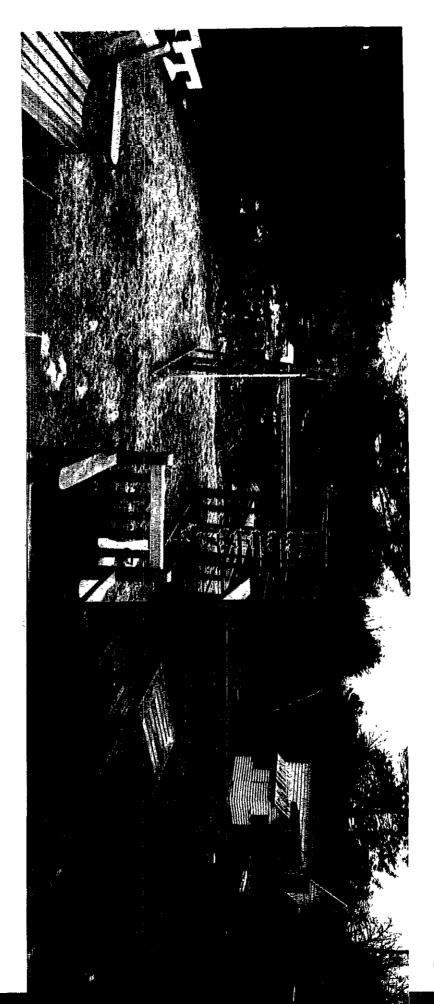
Very truly yours,

P. J. Gradh

Michael M. Lenhart, Acting Chief Engineering Access Permits Division



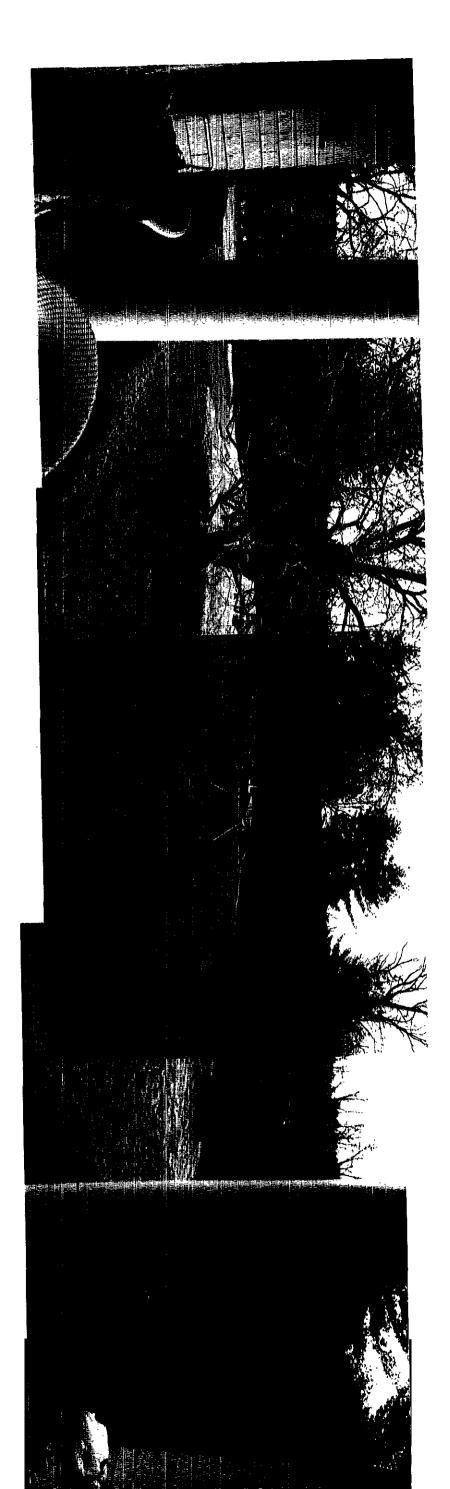
99.292-A



99.292-A



99-292-A



99.292-A



99-292-A

PLAT TO ACCOMPANY PETITION FOR ZONING

VARIANCE

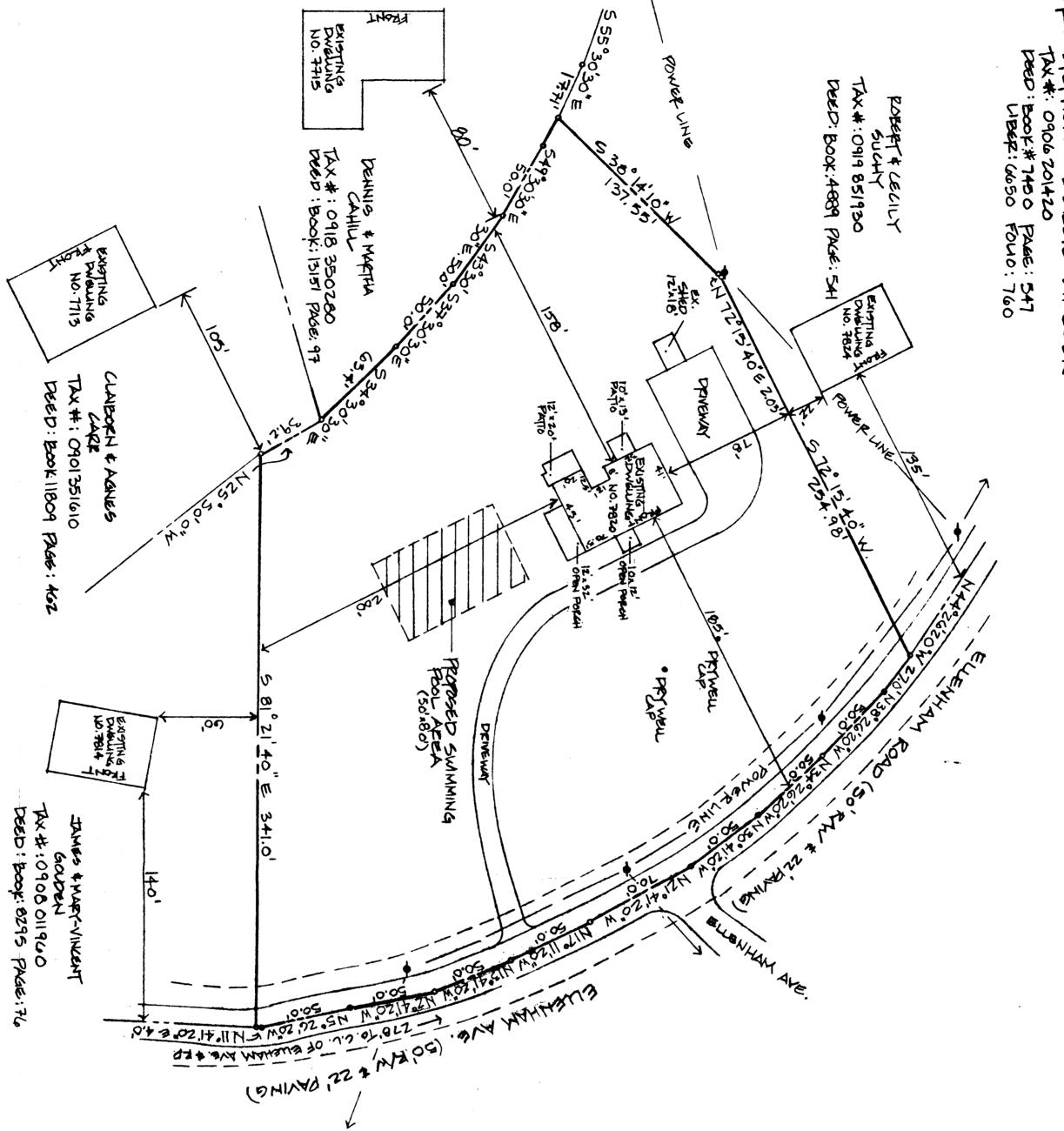
SPECIAL HEARING

SUBDIVISION NAME: N/A popepty appears: 7820 **DUBLIAM** DADA

RAT BOOK* N 10110# rot# section # Z/>

* Martals 0906 201420 DABBOIA レスハロア

PAGE: 547 FOUO: 760



PREPARED BY: BOB

JACKSON LANDSCAPES, INC.

SCALE:

1 = 50 - 0 H

W.

1/25/99

NORTH

EUXTON RD.	Adabased Sales and Sales a	S TO A ROWLAND AVE.	WAVE.	a cono	DOPPA ED.
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LOCATION INFORMATION

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VICINITY

1.1000. NAD

SCALE

COUNCILMANIC DISPERCT:

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1"-200' SCALE MAP#: NW-BIO EUXTON カンドラ -. 40

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CHESAPRAKE BAY:

OPITICAL APRA

PRIOR BONING HEAPINGS: NOUT

BONING OFFICE 200 LINO

JENEMED BY CABE # "

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